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LETTER DATED 6 JULY 1995 FROM THE PERMANENT REPRESENTATIVE
OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT
OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you of Kuwait's position with respect to the developments that have taken place in connection with Iraq's failure to discharge its obligations under the Security Council resolutions relating to its aggression against the State of Kuwait, in particular resolution 687 (1991), the cease-fire resolution, since the Council's most recent review of the sanctions regime on 12 May 1995.

We convey to you hereunder the most salient of those issues with respect to which Iraq continues to engage in evasion and procrastination, in open defiance of United Nations resolutions.

I. KUWAITI AND THIRD-COUNTRY PRISONERS AND HOSTAGES

This humanitarian issue remains unresolved because of the delaying tactics of the Iraqi regime and its refusal to cooperate with the tripartite committee and the International Committee of the Red Cross in order to solve the problem, which is a direct consequence of the invasion and occupation of the State of Kuwait. In this regard, the allegations contained in the letter dated 25 May 1995 from the representative of the Iraqi regime addressed to the President of the Security Council (S/1995/446), are both strange and surprising. Indeed, this letter contains a large number of untruths designed to distort reality and persuade the members of the Security Council and the international community that Iraq is determined to respect its obligation as laid down in the Council's resolutions. Thus, the letter from Iraq contains the following untruths:

1. Iraq has processed some 230 dossiers on missing Kuwaitis and others;
2. The remains of one Kuwaiti who had been included in the number of the missing were handed over to his relatives;



3. It was ascertained that a number of missing Kuwaitis had died in numerous incidents;

4. Iraq is cooperating with the tripartite committee and the technical subcommittee and accuses Kuwait of obstructing the work of the tripartite committee to solve the problem;

5. The representative of Iraq denies that his country refused to sign the minutes of the most recent meeting of the tripartite committee, which was held at Geneva on 7 April 1995, and claims that none of the parties signed the document when Kuwait insisted on imposing political conditions that bore no relation to the humanitarian issue on which the meeting had been convened;

6. Kuwait has proceeded to politicize the question of the prisoners and give currency to misinformation and disinformation on the deliberations of the subcommittee.

All these allegations by Iraq are totally unfounded and this is evident for the following reasons:

1. The figure of 230 dossiers appearing in the letter from Iraq exists only in the imagination of its author since the International Committee and Kuwait had no information in support of this figure;

2. The words "a number of dossiers have been processed" are a fabrication. Instead of providing clear replies concerning the dossiers that were sent to it, Iraq is attempting to cast doubt on some dossiers (like the question of the right of Kuwait to claim non-Kuwaiti prisoners). More than 21 cases fall into this category;

3. The number of dossiers which can be said to have been processed by Iraq does not exceed 23. Even with regard to these dossiers Iraq merely stated that the persons involved were in fact arrested and transferred to Iraq or allegedly disappeared during the popular uprising that took place in the southern part of that country. By means of this ploy the Iraqi regime is seeking more to evade its responsibility than to attempt to clear up the question of the prisoners and missing persons;

It is not enough to say that the remains of a Kuwaiti prisoner were returned. It is still necessary to prove that the remains are of the person in question. Iraq has not provided sufficient medical data for this purpose;

5. Similarly, the allegation that it was ascertained that some missing Kuwaitis had died can be only a further fabrication since Iraq has provided Kuwaiti authorities with only general and imprecise information stating that those persons were killed in clashes with Iraqi occupation forces in Kuwait, without precisely indicating the area of the operations or the place where they died and without providing burial permits or any documents in support of those allegations;

6. Iraq, which for several years has no longer been participating in the work of the tripartite committee, is continuing to disturb the committee's work,

unlike Kuwait, which has sought to attend its meetings and accepted the establishment of the technical subcommittee as well as the transfer of the meeting place from Geneva to the frontier zone;

7. The assertion that none of the parties signed the minutes of the most recent meeting of the tripartite committee, held at Geneva on 7 April 1995, is also erroneous because, owing to the refusal by Iraq to sign the minutes, which had been drawn up by the International Committee of the Red Cross and not by Kuwait, the meeting did not yield results, whereas Kuwait and the other countries of the coalition had accepted the contents of the minutes without any changes. The paragraph rejected by Iraq only confirmed Iraq's international obligations concerning the question of the prisoners;

8. The allegation that Iraq is cooperating with the International Committee is also false since no Kuwaiti prisoner has been released in the past four years, unless cooperation for Iraq means attending meetings of the tripartite committee without achieving tangible results, particularly since the representative of the Iraqi regime has been attending those meetings only since last summer;

9. The assertion that Kuwait is attempting to politicize the issue of the prisoners is refuted by the real state of affairs. Indeed, Kuwait has always insisted that the question of the prisoners should be considered by the International Committee of the Red Cross, unlike Iraq, which has made several attempts to avoid it, at times by proposing a solution within an Arab framework, at others by proposing consultations among the countries concerned or a solution within a parliamentary framework. All these proposals are, to say the least, but an attempt to obstruct the efforts made by the International Committee of the Red Cross;

10. Kuwait wishes to inform the Security Council about new developments with regard to the question of the prisoners because this matter falls within the responsibilities of the Council, as explicitly stated in resolutions 686 (1991) and 687 (1991). Iraq's manoeuvres and exaggerations will not prevent Kuwait from keeping the question of the prisoners, with its attendant tragedies, on the agenda of the international community. It will not allow the Iraqi regime to evade its responsibilities in this regard in accordance with the third and fourth Geneva Conventions and the relevant Security Council resolutions.

There is no doubt, as we indicated in our previous letter, that the Iraqi regime is unaware of the scale of the human suffering caused by the illegal imprisonment of the Kuwaiti and other prisoners because that regime is itself responsible for the suffering of its own people, about which it is totally unconcerned, as is proved by the following facts:

1. The procrastination by the Iraqi regime in order to prevent the implementation of the Security Council resolutions concerning the lifting of the embargo if Iraq respects the provisions of those resolutions. If Iraq really intended to respect its obligations, it would not have waited four years in order to comply with them only partially;

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2. The refusal by Iraq to implement resolutions 706 (1991) and 712 (1991), which authorize it to export some of its petroleum in order to meet the humanitarian needs of the Iraqi people;

3. Its refusal to implement resolution 986 (1995), which is intended to alleviate the suffering of the Iraqi people.

These facts refute the allegations by the Iraqi regime that Kuwait is seeking, by means of its policy and demands, to extend the embargo and increase the suffering of the Iraqi people.

Kuwait is one of the countries that provided and is continuing to provide hundreds of tons of food aid, through the Kuwaiti Red Crescent, to Iraqi refugees situated in the Islamic Republic of Iran. This aid is distributed in cooperation with the Iranian Red Crescent.

Neither Kuwait nor the other countries that are requiring Iraq to implement the resolutions are responsible for the sufferings of the Iraqi people, which are the result of the practices and policies of the Iraqi regime.

Kuwait urges the members of the Security Council to continue their efforts and maintain their position of principle in order to exert pressure on Iraq to ensure that it respects its obligations under paragraph 30 of resolution 687 (1991), by continually reminding it that the matter involves a humanitarian question which cannot be the object of the bargaining and procrastination to which the Iraqi regime is accustomed in the implementation of the Council's resolutions.

II. RETURN OF PROPERTY SEIZED BY IRAQ DURING ITS OCCUPATION OF KUWAIT

Iraq's apparent and selective cooperation with regard to this question is confirmed by its delaying tactics with regard to returning the stolen property and the deliberate sabotage and destruction of Kuwaiti property, military and civilian, before its return. Indeed, most of the property and equipment stolen and returned by Iraq is damaged and unusable.

In a crude attempt to evade its responsibilities and obligations in this regard as laid down in the Security Council resolutions, the representative of Iraq to the Committee on the return of property, referring to the official documents containing the list of the property returned, stated that the property and equipment taken from Kuwait during the occupation were in the same condition as when they were returned.

If what Iraq says is true, which is totally illogical, why was this property transferred if it was already damaged? Furthermore, some property has not yet been returned, including:

1. Some 200 armoured vehicles that remain in Iraq's possession and that it used in its military deployments last October near its boundaries with Kuwait;

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2. The HAWK missile system;

3. The official documents looted by Iraqi forces from the Office of the Amir, the Office of the Crown Prince, the Cabinet Office and the Ministry of Foreign Affairs, and which cannot be regarded as property such as that referred to the United Nations Compensation Commission;

4. The private-sector property that was stolen and whose value exceeds hundreds of millions of dollars. It was shipped to Iraq on the basis of inventories drawn up by Iraqi ministries and signed and stamped by designated government agencies that came to Kuwait to supervise the theft and removal operations. Kuwait has in its possession originals and copies of such documents left behind by the Iraqi regime on its ejection.

The Iraqi regime has a responsibility to comply fully with the letter and spirit of all the Security Council resolutions relating to its aggression against Kuwait and to demonstrate good faith in implementing those resolutions. The policies and practices of this regime, however, constantly provide grounds for doubts concerning its intentions, even after it has discharged some of its obligations. As a consequence of the foregoing, the Security Council, given its legal and political responsibilities and its knowledge of and experience with the methods and manoeuvres of the Iraqi regime, must assess Iraq's willingness in light of the intentions which it expresses and must oblige Iraq to take the necessary steps for the effective and genuine implementation of all the relevant Security Council resolutions with a view to ensuring the establishment of stable peace in the Arabian Gulf region.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative
